

APPLICANT: SHELLY
ADDRESS: #117
PROJECT: 3007 TRACT: 975 LOT: 43
SCOPE OF WORK: MAJOR REMODEL w/ MAJOR LANDSCAPE/HARDSCAPE W/
VARIANCE + SOLAR REVIEW (New)
SUBMITTAL ARCHITECT: FINAL W/ VARIANCE (Previously Deferred)
MYD Studio, Inc.
Phone: 949-274-9693
License: C32110
LANDSCAPE ARCHITECT: MDZA – Mike Dilley
Phone: 949-673-0800

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

- | | | |
|-----------------|--------------------|----------------|
| • June 2021 | CONCEPT | ACKNOWLEDGED |
| • October 2021 | PRELIMINARY | DISAPPROVED |
| • December 2021 | PRELIM RESUBMITTAL | APPROVED W/VAR |
| • May 2022 | FINAL W/ VARIANCE | DEFERRAL |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

Submittal application indicates an existing 2,673 SF residence with a two car non-conforming garage with a split-level single story. The remodel includes the addition of a second story, a total increase of $979 / 2,673 = 36\%$. The application further references existing non-conforming Lot Coverage at 43.1%, a non-conforming Side Yard Setback and a plan for a third parking space. Revised overlays were provided.

Current changes include internal plan re-arrangements, relocated, and added skylight, exterior railing material change.

The areas are indicated on the submittal to be: **No changes from Preliminary Resubmittal.**

| | Existing | Proposed | Change |
|----------------------|----------|----------|-----------|
| • Second Floor Level | 0 SF | 1,035 SF | +1,035 SF |
| • First Floor Level | 2,131 SF | 2,086 SF | - 45 SF |
| • Garage | 542 SF | 530 SF | -12 SF |
| • Cantilevered Decks | unclear | 186 SF | |
| • Roof Deck | unclear | 481 SF | |

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: Spa, BBQ, walls, overhead structure, paving, planting, irrigation.

STAFF ARCHITECTURAL FINDINGS:

1. ARCHITECT STAMP (Section B.2): The plans are stamped and signed. **This will be verified at each submittal.**
2. ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. **OK**
3. **LOT COVERAGE** (Section C.1): A structure shall not exceed 40% coverage of the lot. Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. Elevated surfaces (patios, pools, planters) greater than 5'-0" above finished grade are included in lot coverage. Cantilevered decks and covered below grade structures less than 6'-6" in height are not included.

A signed copy of the 1960 topo plan was submitted.

The lot coverage is stated on the Submittal Application as $2,689.74 / 6,234 = 43.1\%$. Lot area **overlays were provided. See Section 12, Existing Non-Conforming. A VARIANCE was approved on the previous submittal.**

SETBACKS (Section C.2): The existing structure appears to respect the 5'-0" minimum setbacks on three sides. **The West Side Yard is noted as 4'-10. An existing non-conforming condition. See Section 12, Existing Non-Conforming. A VARIANCE was approved for this.**

4. UTILITY EASEMENTS (Section C.3): Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval. Easement has not been submitted.**
5. PARKING (Section C.4): The parking requirement shown on the Submittal Application is 3,222 SF. The garage area used for required parking (430 SF) is not included in the parking calculations. This requires a two-car garage plus one additional off-street parking space. The parallel parking space noted at 8' x 22' is inset +/- 3'-6" from the curb line.

The Committee noted that this parallel spot allows for an additional 8 feet or more in length for maneuvering in and out of the space. Therefore, it was determined to be practical. OK

6. SERVICE YARD (Section C.5): Noted at West side yard. **OK**
7. **BACKFLOW PREVENTION DEVICES (Section C.8):** New residences and renovations/remodels/additions which include the addition of 2 or more plumbing fixtures require a backflow prevention device. **EBSD to review prior to Final approval.**
8. NUMBER OF STORIES (Section D.1): First Basement Rule: If the elevation of the finished floor level directly above a basement is more than 6 feet above Natural Grade for more than 50% of the perimeter or is more than 12 feet at any point then it shall be considered a story. The Submittal Application indicates a proposed structure with 2 stories. **No change is proposed. OK**
9. BUILDING HEIGHT (Section D.2): "The height of any Structure on any Lot or Parcel in this zone shall not exceed thirty (30) feet above the Natural Grade of the Lot or Parcel." The proposed structure appears to be within the allowable height. **OK**
10. **COMPATIBILITY (Section D.3):** Materials indicated include Endicott thin brick, vertical cedar siding, metal fascia/ horizontal panel and smooth trowel stucco, tempered glass railing. **Materials will be verified at Final review, a materials board was provided**
11. **NON-CONFORMING STRUCTURES (Section D.4):** A pre-existing, non-conforming Structure or portions of a Structure may be retained where the proposed alteration does not increase the

square footage by 25% or more, increase the height of the Structure such that it is above the height envelope for the Tract and there is no change to the existing broad style of architecture.

Because the proposed addition is increasing the square footage by more than 25%, all existing non-conforming portions of the Structure are to be corrected. The Committee may consider Variances is adequate hardship and Community benefits are identified.

If an existing non-conforming portion of a structure is removed, it must conform to the current Architectural Regulations.

All new elements must conform to the current Architectural Regulations

Existing non-conforming elements:

- **Lot Coverage – See VARIANCE.**
- **West Side Yard Setback at 4'-10" – See VARIANCE.**
- **Parking (Garage being brought into conformance).**
- **No Service Yard (being added).**

New non-conforming elements:

- None

12. ROOFS (Section D.5): The intent of the roof requirements includes that design is consistent with prevailing appearances within the Community.

Roof pitch: 3:12. **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the total aggregate roof area. The overlays provided indicate 444.33 SF / 2,979.53 SF = 14.91%. **OK**

Roof materials: Naturally weathering zinc standing seam, TPO noted as Class "A". Added metal clad trellis with wood louvers. **OK**

Roof Equipment: None shown. **OK**

Parapet: Overlay provided indicating 53.42' / 328' = 16.4%. **OK.**

13. ROOF DECKS (Section D.6): A roof deck is considered to be a covered or uncovered exterior space constructed over any part of the residence Structure or garage. Roof decks are not allowed except when the deck is directly accessible from an interior living space on the same level and the area of the deck is equal to or less than the area of the living space from which access is taken. **Overlay provided. OK**

14. **MATERIALS AND COLORS (Section D.7):** Actual materials samples and exterior colors are required to be submitted on a board no smaller than 11 x 17 and no larger than 18 x 24. A color rendering must be included on the board to clearly identify the location of all proposed materials and colors. **The Committee will review the color and materials at the Final review.**

15. WINDOWS AND DOORS (Section D.8): Noted as aluminum. **OK**

16. ANTENNAS (Section D.9): None shown. **OK**

17. **SOLAR PANELS – See Supplemental review below.**

18. SKYLIGHTS (Section D.11): **One skylight was relocated, a second added.** Noted as non-reflective. **OK**

19. **ARCHITECTURAL EXTERIOR LIGHTING (Section D.12):** Light fixtures must be down lit or shielded to prevent glare or be a nuisance to neighbors. Light fixtures must be complementary to the architectural style of the residence.

Elevations with light fixture locations were provided, noted as shielded down lights.

20. GUTTERS AND DOWNSPOUTS (Section D.13): Indicated at roofs and elevations. **OK**

21. OTHER COMMENTS:

- **None**

STAFF LANDSCAPE FINDINGS:

1. SUBMITTAL COMPLETENESS (Section B.5): Submittal must be generally complete enough for review. **OK, except for items described below.**

2. LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **OK**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Unclear if submitted**

3. LOT COVERAGE (Sec C.1): Landscape features such as raised patios and/or freestanding structures must not create a lot coverage overage. **OK**
4. SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **OK**
5. CURBS AND GUTTERS (Sec C.7): For new residences and major remodels, plans must show complete replacement of curb and gutter along entire street frontage with reference to EBSD requirements. **Replacement is not shown on civil drawings**
6. BACKFLOW PREVENTION (Sec C.8): A backflow prevention device must be installed for proposed irrigation systems and must not be located on Association Property. **Not shown.**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **AC equipment is proposed in rear area. OK**

Mechanical spa equipment appears to be screened from view. **Spa equipment is shown in at rear of house below the highway. OK**

Noise impacts on adjacent neighbors must be avoided and/or minimized. **Reviewed at time of acoustical report submittal.**

An acoustical report prepared by a qualified expert is submitted showing that anticipated noise impacts are less than the County maximum at the nearby property lines. **Not submitted**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **Unclear, acoustical report not submitted**

8. EXTERIOR LIGHTING (Sec E.2): Landscape lighting proposals must be shown and must appear to limit glare and annoyance. **OK**

9. FENCES, WALLS, AND HEDGES (Sec E.3):

In front yard setback areas fences, hedges, and walls are to be 4' high or less as compared to adjacent top of curb elevations. For corner lots, the maximum height is 3'. **OK. Note: installation of a railing in front setback may exceed height restrictions and may not be approvable.**

Between the front yard setback and the house structure fences, walls, hedges, railings or other features are to be 4' high or less compared to finished grade. **OK**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. **OK**

In side yard and rear yard setback areas fences and/or walls must be 6' high or less as compared to existing grade along neighbor's side of property line. **OK.**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **OK**

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. **OK**

10. PLAY EQUIPMENT AND PLAY HOUSES (Sec E.5): Issues of noise and visual impact have been adequately addressed. **None proposed. NA**

11. MAILBOXES (Sec E.6): Design and location must be shown. **OK**

12. OUTDOOR FIREPLACES, FIREPITS, COOKING ELEMENTS (Sec E.7): Outdoor fireplaces, BBQs, and ovens shall be a minimum of 5' clear of any property line and must be gas only. **OK**

The minimum setback for any open firepit shall be a minimum of 10'. **OK**

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **OK**

Issues of noise and visual impact must be adequately addressed. **OK**

Security/pool fencing is shown. **OK**

14. PARKWAY ACCESS (Sec E.12): Planting and paving within 18-24" of face of curb shall allow for convenience of on-street parking **OK**

15. IMPROVEMENTS ON EBCA PROPERTY Section C, Part 21): Trees, hedges, and structures are not proposed on EBCA property. **OK**

16. POTENTIAL OBSTRUCTION OF VIEW (Sec A.5): Trees and shrubs must not unreasonably block a neighbor's view. **OK**

17. PREPARATION BY LANDSCAPE ARCHITECT (Sec B.2): **OK**

18. FUEL MODIFICATION (Sec E.14): Highly flammable target species shall not be proposed.
OK

Perimeter properties appear to be consistent with Orange County requirements for Zone A.
NA

19. OTHER:

- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**

SUPPLEMENTAL SOLAR PANEL REVIEW

Review by Bill Stoffregen

PROJECT CONTACT: Zac Dowell w/ Stellar Solar 619-800-1786
ENGINEER: Harold Ping-Hung Wu 626-288-0708
License: C35693

THESE COMMENTS ONLY PERTAIN TO THE PROPOSED ADDITION OF SOLAR PANELS

Installation of **22** roof mounted photovoltaic (solar) panels on new sloped roof areas. Panels mounted parallel to roof surface. Approximate area of roof coverage is **464.66 sq. ft. (14.08% of combined total roof area)**. No change to new roof structure shown. Associated electrical panels and utility tie-ins are shown on the exterior in the north side yards. There is no noise producing equipment associated with this installation. Installation details and other technical data is submitted.

SOLAR EQUIPMENT: **22** roof mounted solar panels for photovoltaic system. Associated solar equipment and battery back-up located in northwest side yard. The equipment appears to be adequately screened.

OTHER COMMENTS:

- Separate, comprehensive structural calculations provided with engineer's stamp.
- Factory cut-sheet of the solar modules were included on this submittal.
- No neighbor comments were received during the member comment period.

FINAL COMMITTEE RECOMMENDATIONS:

1. **The Committee previously deferred its recommendation to allow applicant time to complete the following items. The items were adequately addressed; therefore, the Committee recommends Approval of the plans as revised.**
 - a. Provide evidence of EBSD review and approval. **EBSD APPROVED**
 - b. Easement agreement required for Final approval. **PROVIDED**

- c. Show on civil plan replacement of curb and gutter across street frontage per EBSD requirements. **PROVIDED**
- d. Show location of irrigation backflow preventer in location somewhat away from street, perhaps screened within planting area. **PROVIDED**
- e. Graphically dimension inside of garage. **PROVIDED**
- f. Provide glazing sample for glass windows and doors. **PROVIDED**

2. Note:

- a. If a Member would like to appeal the recommendation of the Architectural Committee or determination of the Board, please to the CC&Rs, ARTICLE VIII, Section 5 – Notice and Hearing Requirements.
- b. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
- c. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previous scope of work, if any.
- d. Any changes to the Final approved plans must be submitted for Architectural Committee's review prior to construction.
- e. If it becomes necessary or desirable for the Association to utilize its easements within private property boundaries, it is the responsibility of the owner of such property to remove improvements (whether previously approved by the Association or not) to provide access and to replace or repair improvements subsequent to Association access at no cost to the Association.
- f. The Committee reserves the right to reclassify a project at any time before or after construction begins.

No representatives were in attendance to further discuss the submittal.

At their meeting on September 8, 2022 the Board voted to approve the recommendation of the Architectural Committee.